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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/980,885	12/01/97	ROWLAND	W RFX-349

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MM22/0719

EXAMINER

PHAN, J

ART UNIT

PAPER NUMBER

2872

DATE MAILED:

07/19/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/980,885**

Applicant(s)  
**Rowland et al**

Examiner  
**James Phan**

Group Art Unit  
**2872**



☒ Responsive to communication(s) filed on May 12, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-8 and 15-18 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-8 and 15-18 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on 5/12/99 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6 and 10

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-3, 5, 7-8 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Arnam. See Fig. 3. See explanation in paper no. 5.

In re newly added claim 16 see Van Arnam, column 1, lines 56-59, and U.S. Pat. 3,712,706 to Stamm, column 3, lines 47-48.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Arnam in view of admitted prior art, U.S. 5,558,740, disclosed on page 12, first paragraph, of the present application. See explanation in paper no. 5.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Arnam in view of Walter. See explanation in paper no. 5.

6. Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Stamm.

Stamm appears to meet the claimed invention.

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*Argument*

Applicants have traversed the above rejections of claims 1-8 and 15-16 by arguing that the Examiner's calculations are incorrect. The Examiner disagrees. In column 1, lines 56-59, Van Arnam discloses that "U.S. Pat. 3,712,706 to Stamm, which is incorporated herein by this reference ..." And Stamm, in Fig. 10B, shows that the center-to-center spacing between the apices of adjacent cube corner prisms is equal to  $2h/3$ , where  $h$  is the altitude of window or the size along the side of the base of the pyramids. Thus, from the teaching of Stamm the center-to-center spacing between the apices of adjacent cube corner prisms disclosed in Van Arnam is about  $2*0.003/3 = 0.002$  to about  $2*0.015/3 = 0.01$ .

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (703) 308-4810. The examiner can normally be reached on M-F from 9:30 to 6:00. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Phan, J.

July 15, 1999

  
**James Phan**  
**Primary Examiner**